



Information Privacy and Security Council

Meeting Minutes

September 21, 2016

Keoni 'Ana Bldg.
1177 Alakea St.
Room 304
Honolulu, HI 96813

Wailuku State Office Bldg.
54 South High St.
Third Floor VCC
Wailuku, HI 96793

Lihu'e State Office Bldg.
3060 'Eiwa St.
Basement VCC
Lihu'e, HI 96766

Hilo State Office Bldg.
75 Aupuni St.
Basement VCC
Hilo, HI 96720

MEMBERS / DESIGNEES PRESENT

Member Name	Department
DeMello, Keith (designee; acting chair)	Office of Enterprise Technology Services (ETS)
Ito, Jodi (designee)	University of Hawai'i (UH)
Jacobs, Don	County of Hawai'i
Keane, David	Department of Human Resources Development
Levins, Stephen	Department of Commerce and Consumer Affairs
Norman, Nyree	County of Kaua'i
Tachikawa, Joanne	Department of Education (DOE)
Takeshita, Brian (designee)	Legislature
Taniguchi, Carol	Legislature
Thornton, Kevin	Judiciary
Yong, Lim	Department of Human Services

MEMBERS ABSENT / NOT REPRESENTED

Member Name	Department
Merez, Gino	Department of Health
Sherman, Karen	County of Maui
Wong, Mark	City and County of Honolulu

INVITED GOVERNMENT ATTENDEES

Member Name	Department
Crosby, Todd	ETS

I. Call to Order

Acting Chair DeMello called the meeting to order at 1:09 p.m. Quorum was established with nine members present. Member Norman joined the meeting at 1:10 p.m., increasing the total number of voting members present to ten.

Acting Chair DeMello noted that the IPSC received a letter from Clyde Sonobe, assistant superintendent for the DOE Office of Information Technology Services, designating new IPSC members representing the department. DOE Telecommunications Network Specialist Joanne Tachikawa and DOE Enterprise Systems Branch Acting Director Dean Horiuchi will serve as IPSC member and designee. Ms. Tachikawa was present at the meeting and welcomed.

II. Review and Approval of Previous Meeting Minutes

Member Keane moved for the IPSC to approve the July 2016 meeting minutes, and Member Yong seconded the motion. The IPSC adopted the meeting minutes by unanimous consent.

III. Public Testimony on Agenda Items

None.

IV. State and County Agency Personal Information (PI) System Annual Reports

Acting Chair DeMello noted that the logs showing which agencies have submitted reports are now available on the Collaborative Site built in SharePoint, visible to IPSC members only for security reasons. Members may navigate to the logs by selecting “Committees” and then “Yearly PI Reporting.” The logs will be updated a minimum of weekly. They show which agencies have designated an agency privacy designee and submitted reports in compliance with HRS Section 487N-7, or whether they have confirmed that they do not maintain PI as defined in the statute. The agency privacy designee for each agency is assumed to be valid as long as the email for that designee remains active. The IPSC relies on agencies to provide notice of changes to agency privacy designees. There is also an area for notes. Maintenance of the report is manual, especially this year since agency annual reports are being submitted by various means and formats.

Acting Chair DeMello requested that updates from IPSC members be emailed to him so they are not saved over and lost. It was noted that there is still another week before the September 30 deadline, so it is not surprising that many agencies have not yet responded with their reports.

The chair’s memorandum reminding agencies of the annual deadline was distributed on August 26 to all agency privacy designees as well as copied to mayor’s offices and state department heads. For the Executive Branch online form and other downloadable forms, the memo directs everyone to ipsc.hawaii.gov/reports/submit-agency-reports.

In response to the memo, most questions received from agency privacy designees have been about the new form, as it is much longer. It was restated that the 2016 form, which has been aligned with federal reporting to increase consistency and further increase efficiency, is preferred, but past forms will be accepted from agencies to facilitate compliance. As questions are received from agency privacy designees, the form has been modified to provide further clarity. To provide further assistance, a list of frequently asked questions is being planned.

As discussed at previous meetings, it is the IPSC’s intent to make the online form available to all departments and jurisdictions in 2017. This year, the online option is only available to the Executive Branch, excluding the DOE, UH, Department of Taxation, and some attached agencies.

Member Jacobs requested that IPSC members and agency privacy designees have the ability to see what their agencies submitted for the previous year, and Acting Chair DeMello and Mr. Crosby confirmed that this is the plan. Member Jacobs noted that this feature will be very useful.

V. Demonstration of SharePoint Site Functionality for Council Members

Acting Chair DeMello will be moving all the materials from the former IPSC Member Website to the Collaborative Site. The former site will then be discontinued. However, it should be noted that the IPSC website (ipsc.hawaii.gov) will be maintained as the public-facing resource.

Member Levins noted that, as a new IPSC member, he does not have access to the Collaborative Site. Acting Chair DeMello stated that he will be provided access. The confidential IPSC member roster, visible only to IPSC members, will be updated to reflect new membership.

If members have technical comments about the Collaborative Site, they were directed to email both DeMello and Crosby, but it was noted that Crosby is the technical expert for the site.

VI. Status of the Permitted Interaction Group Research and Recommendations on Guidelines for Found Media Sanitation

On behalf of the Permitted Interaction Group, Member Jacobs, provided the recommendation that cell phones, computers and other devices found and presented to local law enforcement remain in the custody of law enforcement for 90 days. At the end of 90 days, if the rightful owner has not recovered the device, it will be destroyed to protect any personally identifiable information (PII) that may be present on the device. It is also the group's recommendation that the National Institute of Standards and Technology (NIST) Special Publication 800-88, "Guidelines for Media Sanitization", be referenced for proper methods of destruction to protect PII data.

It was noted that there is a statute that refers to the current policy of returning such devices to the finder if the owner cannot be found. It is the recommendation that the following statute be reviewed and modification be considered:

HRS 52D-10 and 52D-14 refer to disposition of lost, stolen or unclaimed property.

- HRS 52D-10 reads as follows:
Disposition of found, stolen, or unclaimed property. Each chief of police, on the first Monday in January and the first Monday in July, shall give the county director of finance a sworn statement listing all moneys (except money found), goods, wares, and merchandise in the chief's custody which have been unclaimed for a period of not less than ninety days. At least annually, the chief of police shall give public notice to the public, once a week for four successive weeks in the county (and may also give notice by posting in conspicuous places), that, unless claimed by an owner with satisfactory proof of ownership, the goods, wares, and merchandise listed will be sold at public auction to the highest bidder. On the day and at the place specified in the notice, all property still unclaimed, except money and found property, shall be sold by auction by or under the direction of the chief of police. Any unclaimed goods, wares, or merchandise of a perishable nature or which are unreasonably expensive to keep or safeguard, may be sold at public auction or by any commercially reasonable manner, at a time and after notice that the chief of police deems proper and reasonable under the circumstances. The chief of police, immediately after the sale of any property in accordance with this section, shall pay to the director of finance of the county all moneys remaining unclaimed and all moneys received upon the sale. [L 1989, c 136, pt of §2; am L 1998, c 2, §18]
- HRS 52D-14 reads as follows:
(a) Except as provided in section 261-17.7, all money or property found shall be reported or delivered by the finder to the chief of police of the county. When so delivered, it shall be held by the chief of police for forty-five days or until claimed by some person who establishes title or right of custody thereto to the satisfaction of the chief of police. If title

or right of custody is established, the money or property shall be delivered to the claimant by the chief of police.

(b) If no claim is made or no such right is established within the forty-five days, the money or property shall be returned to the person who delivered it to the chief of police; provided that if the person who delivered it to the chief of police fails to claim the money or property within thirty days after being notified by the chief of police that the person is entitled to possession, the chief of police shall dispose of the money or property in accordance with the procedures established in section 52D-10. For the purpose of this section, notice by regular mail to the person's last known address shall be sufficient. [L 1989, c 136, pt of §2]

The current statute requires law enforcement to provide any unclaimed property to the finder if the owner has not been located. Given that cell phones, computers and other such devices may contain PII, in order to protect that data the statute should be modified to require such unclaimed property to be destroyed in accordance to Media Sanitization Guidelines in NIST Special Publication 800-88.

Other jurisdictions in the country are adopting such policies and notifying the public via posting on appropriate government web sites.

Member Jacobs also shared responses from Homeland Security as a result of the group's inquiries. The responses confirmed that, due to PII liability issues most California law enforcement agencies destroy (after a period of time 60/90 days) found/turned in devices that could potentially contain PII. The thought is that there is less liability in destroying the devices than releasing PII.

Additionally, while California Winters Police Department policies exist to return found property to the finder/owner within 90 days, because electronics have identifying information on them it is also practice not to return such items to finders. Instead, the phone is returned to factory settings, the sim card is removed and disposed of, and the shell of the cell phone is recycled within a local county program that refurbishes the cell phones for use at a domestic violence shelter. If such a recycle program is not available, the entire phone is placed in recycling after the battery is stripped for a separate recycle program.

Member Ito observed that new language should be clear about requiring devices to be sanitized.

Pursuant to HRS § 92-2.5, the report was formally submitted to the ITSC but will be discussed at a subsequent meeting. Discussion and appropriate action on the Permitted Interaction Group's report and recommendation will be included on the agenda of the next IPSC meeting.

VII. Executive Session

Member Yong moved to enter into executive session to discuss internal handling of employee personally identifiable information, pursuant to HRS sections 92-5(a)(6), to consider sensitive matters related to public safety or security, and 92-5(a)(8), to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order. Member Keane seconded the motion. The motion passed unanimously.

The IPSC entered executive session at 1:34 p.m.

Member Keane moved to exit executive session, and Member Thornton seconded the motion. The IPSC exited executive session at 1:51 p.m.

VIII. Good of the Order

a. Announcements

At past meetings, the issue of ransomware was raised. Acting Chair DeMello mentioned that ETS is providing updated anti-virus and anti-malware software for Executive Branch computing devices to reduce risks of cyber attacks and loss of data. This year, ETS funded from its operating budget the renewal of security software licenses for departments statewide using desktop devices that had outdated or inadequate security software. ETS added anti-ransomware software through its Malwarebytes purchase. DeMello will clarify whether this is provided to departments as part of the package or requires separate deployment. If interested in more information, Executive Branch departments should reach out to Mike Otsuji at ETS or the Security Operations Center directly.

b. Next Meeting Date

The next IPSC meeting is scheduled for Wednesday, October 19, 2016, 1 p.m.

IX. Adjournment

Member Yong moved to adjourn the meeting, and Member Ito seconded the motion. The meeting adjourned at 1:56 p.m.

Respectfully Submitted,

Date

Keith A. DeMello
Acting Chair, IPSC
Office of Enterprise Technology Services
State of Hawai'i